

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

EAST TENNESSEE NATURAL GAS CO.,)
Plaintiff,) Case No. 4:02-cv-00145
v.)
.60 ACRES IN PATRICK COUNTY,)
VIRGINIA, ET. AL.,)
Defendants.)

ORDER

By: Jackson L. Kiser
United States District Court

Before me is *Plaintiff's Motion to Alter or Amend Judgment*. Federal Rule of Civil Procedure 54(d) gives me the authority to grant costs, other than attorneys' fees, to the prevailing party in a case unless federal law expressly states otherwise. In this case, the Defendants are not the prevailing parties because this is a condemnation case. Furthermore, Federal Rule of Civil Procedure 71A(l) states that costs in a condemnation case are not subject to Federal Rule of Civil Procedure 54(d).

For these reasons, I hereby **Grant** the *Plaintiff's Motion to Alter or Amend Judgment*.

The *Judgment* dated October 3, 2005 will be so amended.

The Clerk is directed to send certified copies of this *Order* and the attached *Amended Judgment* to all counsel of record.

Entered this 13th day of October, 2005.

s/Jackson L. Kiser
Senior United States District Judge